

P.L. 107.118. Small Business Liability Relief and Brownfields Revitalization Act of January 11, 2002 U. S EPA, Region 5

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Brownfields Definition

“.....real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant or contaminant.”

Subtitle A. Brownfields Revitalization Funding provides \$200 million a year

- Authorizes grants of up to \$350K per site for *assessment*.
- Authorizes grants of up to \$200K per site for eligible entities, including not-for-profits, to *clean up* brownfields.
- Authorizes grants of up to \$200K for *job training* to eligible entities.
- Authorizes grants for up to \$1M for *revolving loan fund* (RLF) program.



Assessment Coalitions

- Up to \$1 million for hazardous substance and/or petroleum (e.g. \$500k hazardous, \$500k petroleum)
 - ✓ 3 or more eligible entities
 - ✓ Must assess a minimum of 5 sites
 - ✓ Coalition members are not eligible to apply for individual Community-wide or Site-specific Assessment grants in the year they apply as part of a coalition.



- Cleanups require an ASTM E1903-97 or equivalent Phase II assessment report completed prior to proposal submission in order to best describe cleanup plan and estimated costs.
- Cleanup Applicants Only must provide the community with notice of its intent to apply for an EPA brownfields grant and an opportunity to submit comments by:



- ✓ Placing an ad (or equivalent) in your local newspaper that covers the area targeted by your proposal at least two weeks prior to the submittal date.
- ✓ Clearly communicating that a copy of the grant proposal is available for public review by indicating in your ad where the draft proposal is located (e.g. town hall library, website).

Targeted Brownfields Assessment

Also established by Subtitle A

- What are the benefits?
- Who can request a TBA?
- What is the recipient's role?
- How do I request a TBA?
- For more information visit:
<http://www.epa.govR5Brownfields>

Subtitle B. Brownfields Liability Clarifications

- Contiguous Property Owner. Superfund liability relief for innocent persons who own property that is contaminated solely due to a release from a neighboring property, so long as the person did not cause or contribute to the release.
- Innocent Landowners. Provides Superfund Liability relief for landowners who had no reason to know of contamination at the time of purchase.
- Prospective Purchasers and Windfall Liens. Provides Superfund liability relief for future buyers of facilities who are not responsible for contamination.

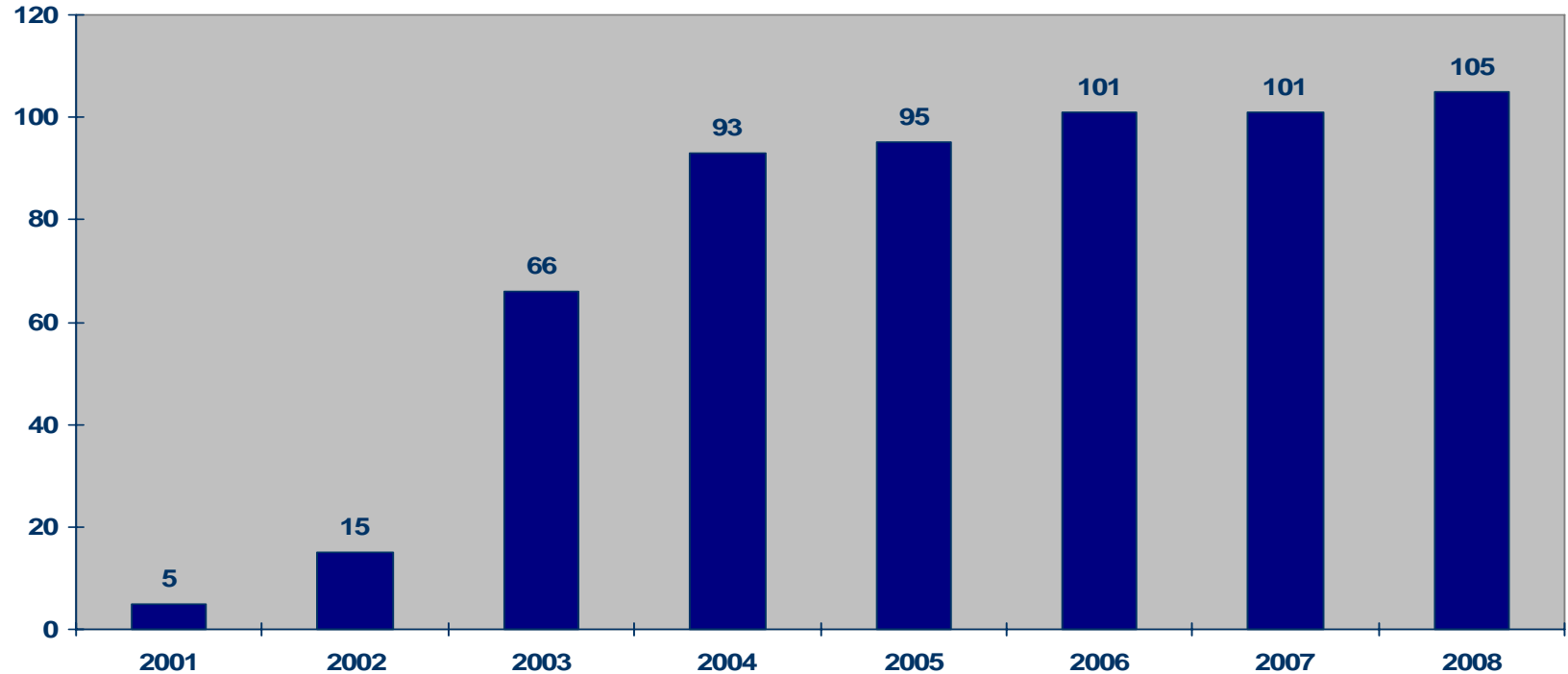
All Appropriate Inquiries

- BF law required EPA to establish the AAI rule.
- AAI effective date is November 1, 2006
- Property buyers who want CERCLA liability protection and eligible entities that use EPA BF funds are affected by AAI.
- More information on AAI can be found at:
www.epa.gov.brownfields

Subtitle C. State and Tribal Response Programs

- Bars Federal enforcement action for sites in State/Tribal cleanup programs in some circumstances.
- Federal re-openers to ensure safety net (State/Tribal requests, endangerment, new information).
- States/Tribes provides annual list of sites in response program.
- Outline suggested elements of State/Tribal response programs.
- Provides NPL deferral of site in State/Tribal Programs.
- States/Tribes are provided \$50 million a year to support brownfields programs.

BF Region 5 Annual Grants: Number 2002 - 2008



FY 2008 Appropriations budget: Competitive funding \$74 million. EPA anticipates award of approximately 314 cooperative agreements.

Successful proposals in Region 5 totaled 105.

State

- IL - 11
- IN - 10
- MI - 27
- MN - 7
- OH - 23
- WI – 15
- Tribal - 12

Grant Type

- Assessment - 60
- Cleanup - 20
- RLF - 7
- Job training - 0
- State/Tribal - 18

Assessment Success Story: Chicago, IL

- Funds awarded starting in 1997 to redevelop several properties. Part of \$1.4M award used to remediate old auto repair shop and build a LEED rated building --- the Jubilee Family Resource Center.
- Center provides full day/full year day care, Head Start, Infant Toddler and Youth Alternative programs
- Jobs created: 38



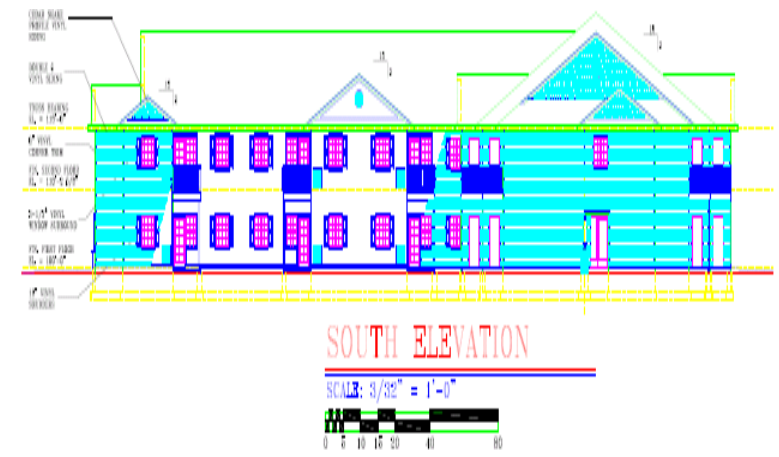
Assessment Success Story: Indianapolis, IN

- Area-wide assessment of 75 parcels
- Completed 25 residential units, many with green building elements. More homes under construction. Commercial and greenspace also being built.



Assessment Success Story: Eaton County, MI

- Funds awarded in 2005 in amount of \$400,000. for petroleum and hazardous waste assessment.
- A former school bus garage is becoming a 40 unit senior citizens' housing center
- Leveraged dollars: \$3 to 4.0 Million



RLF Success Story: St. Louis Park, MN

- Hennepin County and Minnesota DEED awarded a total of \$2.2 Million.
- A abandoned lead smelting and auto salvage yard has become a modern office and showroom.
- Leveraged dollars totalled \$18,340,953.
- Redevelopment added \$150,000. to local tax base annually and created over 350 new jobs.



Cleanup Success Story: Hamilton, OHIO

- Funds awarded in 2000 and 2003
- Amount of award: \$2,883,500 state funds and \$500,000 in U.S. EPA RLF funds.
- Site of a safe and vault factory that operated for over 100 years is now a Kroger store and mall
- Leveraged dollars: \$6,866,500
- Job created: 100



Cleanup Success Story: Milwaukee, WI

- In 2004 the City of Milwaukee was awarded \$200,000 to remediate a former dry cleaning facility.
- The result is five retail spaces and 21 condominium units with parking.
- This project increased the land value over \$6,000,000.



ATSDR's Public Health and Brownfields Projects

- Land Reuse Screening Tool
- Baseline Agency Capacity to Work on Land Reuse/Brownfields
- Community Guidance/Training Programs
 - Nuts and Bolts of PPH and Brownfields
 - Best Practice Sites

Working Ourselves Out of a Job: The Next Generation of Brownfields Prevention

- Region 5 Challenge...the message
- Steps Local Governments can consider incorporating lessons learned from peers
- Desired Results...cleaner and healthier communities

Reuse and Recycle

Debris consists of concrete, asphalt, wood, gypsum wallboard, asphalt roofing materials, metal, bricks, glass, plastics, building components, trees, soil, and rocks and is generally nonhazardous.

Application Schedule for FY2009 (portions still draft)

- Request for Proposal -- August
- Job Training Grant proposals due mid October
- Assessment, Cleanup, and Revolving Loan Fund proposals -- November 14, 2008
- Early Spring 2009 – Award Announcements
- Fund available before October 1

USEPA Region 5 Brownfields Contact

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**The FY2009 grant application guidelines
are available at**

www.epa.gov/brownfields